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**Introduced by Senator Evans**

February 15, 2011

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An act to amend Section 382 of the Code of Civil Procedure, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

SB 384, as introduced, Evans. Civil actions: joinder: representative actions.

Under existing law, if the consent of any person who should have been joined as a plaintiff cannot be obtained, that person may be made a defendant, and the complaint shall state the reason. Existing law authorizes one or more persons to sue or defend for the benefit of all if the question is one of a common or general interest of many persons, or if the parties are numerous and it is impracticable to bring them all before the court.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 382 of the Code of Civil Procedure is  
2     amended to read:  
3     382. If the consent of any ~~one person~~ who should have been  
4     joined as a plaintiff cannot be obtained, ~~he~~ *that person* may be  
5     made a defendant, ~~and the complaint shall state the reason thereof~~  
6     ~~being stated in the complaint; and when.~~ *If the question is one of*  
7     a common or general interest, of many persons, or ~~when if the~~

- 1 parties are numerous; and it is impracticable to bring them all
- 2 before the court, one or more *persons* may sue or defend for the
- 3 benefit of all.

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